



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/368,422 08/05/99 MYERS

J JRM0001

EXAMINER

TM02/1022

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FELTEN, D
ART UNIT

PAPER NUMBER

2164
DATE MAILED:

10/22/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/368,422

Applicant(s)
Myers

Examiner
Daniel Felten

Art Unit
2164



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 5, 1999
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

DETAILED ACTION

Drawings

1
2
3 1. New formal drawings are required in this application because of the problems indicated
4 on the Notice of Draftperson's Patent Drawing Review filed August 5, 1999. Applicant is
5 advised to employ the services of a competent patent draftsman outside the Office, as the
6 Patent and Trademark Office no longer prepares new drawings.

Claim Rejections - 35 USC § 103

7
8
9 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
10 obviousness rejections set forth in this Office action:

11 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
12 section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
13 such that the subject matter as a whole would have been obvious at the time the invention was made to a person
14 having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the
15 manner in which the invention was made.

16
17 3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et
18 al ('Andersen', US 5,774,883).

Regarding claim 1:

19
20 A method of determining the risk of default and/or late payment by a potential

1 borrower by: factoring in the borrower's credit score (see col. 3, ll. 61-62); and factoring in the
2 Original Equipment Manufacturer's evaluation (*Vehicle Manufacturer* using the *Customer*
3 *Satisfaction Index, or (CSI)*) of the supplier (dealership) (see Andersen, col. 6, ll. 59-61).

4 Andersen fails to disclose that the borrower/customer is a supplier. However, since
5 Andersen discloses that fact that a Customer Service Index (CSI- or a point/percentage system) is
6 used by suppliers (in this case, *vehicle manufacturers*) to evaluate other suppliers (in this case,
7 *dealerships*, also see col. 6, ll. 51-61), it would have been obvious for an artisan of ordinary skill
8 in the art at the time of the invention to modify Andersen's system so that the customer/borrower
9 would include suppliers (i.e., a car rental companies, a moving van companies, etc..) because an
10 artisan would recognize that the purchase of a large quantity of items (vehicles) would greatly
11 increase the amount of sales/profits in a shorter amount of time, and with less paperwork. Thus
12 such a modification would be an obvious expedient well within the ordinary skill in the art.

13
14 **As per claim 2:**

15 Same as reasoning given in claim 1 rejection.
16

17 **As per claim 3:**

18 Same as reasoning given in claim 1 rejection.
19

20 **Regarding claims 4-12:**

1 Andersen discloses a method of determining the credit worthiness of a
2 borrower/customer by: factoring in the borrower's/customer's credit score (see col. 3, ll. 61-62);
3 and factoring in a supplier's evaluation (dealership) of the borrower/customer (see Andersen, col.
4 3, ll. 56-67). Also see reasoning given in claim 1 rejection.

5
6 **As per claim 5:**

7 Same reasoning given in claim 1 rejection.

8
9 **As per claim 6:**

10 Same as reasoning given in claim 1 rejection.

11
12 **As per claim 7:**

13 Same as reasoning given in claim 1 rejection.

14
15 **As per claim 8:**

16 Same as reasoning given in claim 1 rejection.

17
18 **As per claim 9:**

19 Same as reasoning given in claim 1 rejection.

As per claim 10:

Same as reasoning given in claim 1 rejection.

As per claim 11:

Same as reasoning given in claim 1 rejection.

As per claim 12:

Same as reasoning given in claim 1 rejection.

Conclusion

4. A list of cited references appears below not relied upon in this Office Action:

US Patents:

Templeton et al (US 5,679,940) discloses a transaction system with on/off line risk assessment

Kight et al (US 5,383,113) discloses a system for electronically providing customer services including payment of bills, financial analysis and loans

Zervides et al (US 6,052,674) discloses an electronic invoicing and collection system

Guinta et al (US 5,737,494) discloses assessment methods and apparatus for an organizational process

Gorog (US 4,947,028) discloses a automated order and payment system

Field (US 6,073,104) discloses a system for invoice record management and asset-backed commercial paper program

Kealhofer (US 6,078,903) discloses an apparatus and method for modeling the risk of loans in a financial portfolio

1 Horbal et al (US 6,112,246) discloses a system and method for accessing information from a
2 remote device

3 Borghesi et al (US 5,950,169) discloses a system and method for managing insurance claim
4 processing

5 Sandretto (US 5,812,988) discloses a method and system for jointly estimating cash flows,
6 simulated returns, risk measures and present values for a plurality of assets.

7 Mandler et al (US 5,732,400) discloses system and method for a risk-based purchase of goods

8 Hartley-Urquhart (US 6,167,385) discloses a supply chain financing system and method
9
10

11 5. Any inquiry concerning this communication or earlier communications from the examiner
12 should be directed to **Daniel S. Felten** whose telephone number is (703) 305-0724. The
13 examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.
14 Any inquiry of a general nature relating to the status of this application or its proceedings should
15 be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor
16 **Vincent Millin** whose telephone number is (703) 308-1065.
17
18
19

20 6. Response to this action should be mailed to:
21

22 Commissioner of Patents and Trademarks

23 Washington, D.C. 20231
24


1 for formal communications intended for entry, or (703) 305-0040, for informal or draft
2 communications, please label "Proposed" or "Draft".

3 Communications via Internet e-mail regarding this application, other than those under 35
4 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
5 addressed to *[daniel.felten@uspto.gov]*.
6

7 All Internet e-mail communications will be made of record in the application file. PTO
8 employees do not engage in Internet communications where there exists a possibility that
9 sensitive information could be identified or exchanged unless the record includes a properly
10 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly
11 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and
12 Trademark on February 25, 1997 at 1 195 OG 89.
13
14

15 
16 DSF

17 October 18, 2001


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
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